

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 9, 2009

- D053053 Wiley et al. v. Yihua International Group**
The judgment is affirmed.
O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.
- D055785 In re Williams on Habeas Corpus**
The petition is denied.
- D054977 People v. Rocher**
The judgment is affirmed.
Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.
- D055091 People v. Cooper**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.
- D053636 Garland v. Garland**
The order is affirmed. O'Rourke, J.; We concur: Haller, Acting P.J., Aaron, J.
- D054972 People v. Center**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.
- D054136 King v. Johnston et al.**
The judgment of the trial court is reversed. The case is remanded to the trial court with the following directions: (1) the trial court shall consider the evidence presented at trial and determine whether Tammy has prevailed on her claim that Barbara is liable as a trustee for breaches of trust owed to the beneficiaries after Lenora's death under a trustee *de son tort* theory; (2) the trial court shall find in favor of Tammy on her claim against Barbara for Barbara's actions as a third party who actively participated in Lenora's breach of trust; and (3) after resolving the remaining issues of liability, the trial court shall determine the amount of non-duplicative damages Barbara is to pay to reimburse the trust, under either or both theories of liability (depending on the court's determination of liability under the trustee *de son tort* theory), and/or whether relief apart from money damages would be appropriate under the circumstances. The trial court may conduct any further proceedings that may be necessary in light of the trial court's judgment. Tammy is awarded costs on appeal.
Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.
- D056037 In re Levy on Habeas Corpus**
The petition is denied. The request for appointment of Counsel is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 9, 2009 (Continued)

D054891 People v. Haynes

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D053951 People v. Brown

The counts 5 and 6 convictions, together with the sentences imposed on those counts, are reversed and vacated. The sentences imposed for counts 3 and 4 are stayed pursuant to section 654. As so modified, the judgment in all other respects is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect such modifications and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D054986 In re A.G., a juvenile

The order granting Luis's section 388 petition, ordering reunification services, vacating the section 366.26 hearing, and impliedly finding that Luis was a presumed father is reversed. McConnell, P.J.; We Concur: Nares, J., Irion, J.

D054962 People v. Ochoa

The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
 The Honorable Associate Justices Judith Haller and Joan Irion

Clerk: D. Moore

D054273 In re J.P., a juvenile

Cause called on merits. Cynthia Diane Jones, Esq. argued for appellant. Kristy Hewitt, Deputy Attorney General, argued for respondent. Ms. Jones replied. Cause submitted.

D054612 People v. Smeltzer

Cause called on merits. Patrick Dudley, Esq. argued for appellant. Emily Hanks, Deputy Attorney General, argued for respondent. Mr. Dudley replied. Cause submitted.

Court recessed at 9:54 a.m. to change panel members.

New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and
 The Honorable Associate Justices Judith Haller and Joan Irion

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 9, 2009 (Continued)

D054402 Adams et al. v. Small

Cause called on merits. Patricia A. Meyer, Esq. argued for appellant.
Douglas A. Pettit, Esq. argued for respondent. Ms. Meyer replied.
Cause submitted.

Court recessed at 10:36 a.m. to change panel members.

New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D053408 Aquino v. Crucero USA, LLC

Cause called on merits. John J. McAvoy, Esq. argued for appellant.
David J. Ozeran, Esq. argued for respondent. Mr. McAvoy replied.
Cause submitted.

Court recessed at 11:02 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

Clerk: D. Moore

D055499 People v. Fletcher

Cause called on merits. Richard L. Schwartzberg, Esq. argued for appellant.
Christine Marie Livingston Bergman, Deputy Attorney General, argued for
respondent. Cause submitted.

D053939 Spiegel v. Adams

Cause called on merits. Jay Richard Saltsman, Esq. argued for appellant.
Stanton Lee Phillips, Esq. argued for respondent. Mr. Saltsman replied.
Cause submitted.

Court recessed at 2:02 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D055497 People v. Cruz

Cause called on merits. David J. Macher, Esq. argued for appellant.
Angela Marie Borzachillo, Esq. argued for respondent. Mr. Macher replied.
Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 9, 2009 (Continued)

D054202 Sommer v. Hawkes

Cause called on merits. Ervin Sommer, argued for appellant in pro per. Gregory Y. Lievers, Esq. argued for respondent. Cause submitted.

D054852 Hallam v. Johnson

Cause called on merits. Alex Tomasevic, Esq. argued for appellant. Thomas Grady, Esq. argued for respondent. Mr. Tomasevic replied. Cause submitted.

D054312 Truong et al. v. Glassner

Cause called on merits. Sarah Kvarme argued for appellant. Lisa Cooney, Esq. argued for respondent. Ms. Kvarme replied. Cause submitted.

Court recessed at 3:16 p.m. until Tuesday, November 10, 2009 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 10, 2009

- D056041 In re Chavez on Habeas Corpus**
The petition is denied.
- D053876 In re Marriage of Pedersen**
The order is reversed, and the matter is remanded for further proceedings on Kappeler's OSC. Each party to bear own costs on appeal.
Nares, J.; We Concur: McConnell, P.J., McDonald, J.
- D054168 People v. Young**
The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D054410 People v. Downey**
The judgment is affirmed.
Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D054295 Smith v. Hance**
The order denying the motion to strike is reversed as to respondents' sixth cause of action for defamation(slander) against Steven. The order is affirmed as to the first (breach of contract) second (civil harassment), third (invasion of privacy), seventh (intentional infliction of emotional distress) and eighth (negligent infliction of emotional distress) causes of action. The trial court is directed to enter a new order granting the motion to strike as to the sixth cause of action for defamation, and denying the motion to strike as the the remaining causes of action. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a)(5).)
O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.
- D053594 People v. Jones**
Judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D053248 People v. Couturier**
The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.
- D053644 Kaye v. Board of Trustees of the San Diego County Public Law Library/San Diego County Public Law Library et al.**
(Certified for Publication) The judgment is affirmed. Respondents are awarded their appeal costs. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.
- D053835 People v. Casillas**
The judgment is affirmed.
McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 10, 2009 (Continued)

- D056040 In re Rosser on Habeas Corpus**
The petition is denied.
- D055979 In re Karl on Habeas Corpus**
The petition is denied.
- D054717 Farahani v. San Diego Community College District et al.**
The order is affirmed. Farahani is awarded costs on appeal pursuant to California Rules of Court, rule 8.278(a)(1) and attorneys fees on appeal pursuant to section 1021.5, with the amount to be determined by the trial court. (Serrano v. Unruh (1982) 32 Cal.3d 621, 639; Phipps v. Saddleback Valley Unified School Dist. (1988) 204 Cal.App.3d 1110, 1123, fn. 10.)
McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D055515 People v. Garcia**
Judgment affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Irion, J.
- D055498 People v. Moore**
The judgment is reversed and the matter is remanded to the trial court with directions to either set forth its reasons for dismissal in a written order entered upon the minutes, or to reconsider its decision and take appropriate action including, if necessary, proceeding as if the order had not been entered in the first instance.
McConnell, P.J.; We Concur: Benke, J., Nares, J.
- D055798 In re Riskas on Habeas Corpus**
The petition is denied.
- D054152 Woodall v. Kolender**
On the court's own motion, a petition for rehearing in the above-entitled matter is granted.
- D054152 Woodall v. Kolender et al.**
For the foregoing reasons, the trial court did not err in sustaining defendant's demurrer to Woodall's TAC without leave to amend. Judgment affirmed.
Benke, J.; We Concur: McConnell, P.J., McIntyre, J.
- D054642 In re Marriage of Pearce**
The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 10, 2009 (Continued)

D053565 People v. Bush

Bush's conviction for receiving stolen property is reversed. The trial court shall amend the abstract of judgment to delete the conviction of receiving stolen property and advise the Department of Corrections of the amendment. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and
 The Honorable Associate Justices Terry O'Rourke and Joan Irion
Clerk: D. Moore

D054556 Somo et al. v. Jones, Waldo, Holbrook & McDonough, P.C. et al.

Cause called on merits. John H. Reaves, Esq. argued for appellant.
David J. Noonan, Esq. argued for respondent. Mr. Reaves replied.
Cause submitted.

Court recessed at 9:32 a.m. to change panel members.

New panel members: The Honorable Judith Haller, Acting Presiding Justice, and
 The Honorable Associate Justices Terry O'Rourke and Joan Irion

D054146 Dunbar v. Willis

Cause called on merits. Craig Gross, Esq. argued for appellant.
Edgar Harrison Hayden, Esq. argued for respondent. Mr. Gross replied.
Cause submitted.

D051315 Personalized Workout of La Jolla, Inc., et al. v. Ravet

D052586 Personalized Workout of La Jolla, Inc., et al. v. Ravet

Cause called on merits. Jon R. Williams, Esq. argued for appellant.
Mary A. Lehman, Esq. argued for respondent. Mr. Williams replied.
Cause submitted.

Court recessed at 11:07 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and
 The Honorable Associate Justices Richard Huffman and Gilbert Nares
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 10, 2009 (Continued)

D053358 Kaye v. Murray

Cause called on merits. Boris Siegel, Esq. argued for appellant.
Bradley Reed Kirk, Esq. argued for respondent. Mr. Siegel replied.
Cause submitted.

Court recessed at 1:48 p.m. to change panel members.

New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Richard Huffman and Judith Haller

D054700 Luce, Forward, Hamilton & Scripps, LLP v. Ferreira

Cause called on merits. Aaron T. Winn, Esq. argued for respondent.
Peter Shenass, Esq. argued for appellant. Cause submitted.

Court recessed at 2:02 p.m. to change panel members.

New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Judith Haller and Terry O'Rourke

D052160 Rodriguez v. Rodriguez

Cause called on merits. Jose M. Rodriguez argued for appellant in pro per.
William Carley Halsey, Esq. argued for respondent. Mr. Rodriguez replied.
Cause submitted.

D053875 People v. Agoun

Cause called on merits. Ron Boyer, Esq. argued for appellant.
Robin Helene Derman, Deputy Attorney General, argued for respondent.
Mr. Boyer replied. Cause submitted.

D052929 Driscoll v. CB Richard Ellis, Inc., et al.

Cause called on merits. David A. Niddrie, Esq. argued for appellant.
Robert Wayne Peyton, Esq. argued for respondent. Mr. Niddrie replied.
Cause submitted.

D053841 Todd v. Todd

Cause called on merits. Stephen Temko, Esq. argued for appellant.
Mary A. Lehman, Esq. argued for respondent. Mr. Temko replied.
Cause submitted.

Court recessed at 3:39 p.m. until Thursday, November 12, 2009 at 9:00 a.m.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 10, 2009 (Continued)

D053851 In re Marriage of Jenny and Frank B.

The April 11, 2008 and September 10, 2008 orders are affirmed. Frank is to bear costs on appeal. Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D056168 Akal Security, Inc. v. Superior Court of Imperial County/Loera et al.

The petition is denied.

D056211 People v. Hernandez

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 11, 2009

Veterans Day

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 12, 2009

- D053454 People v. Erickson**
The judgment is affirmed.
McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.
- D055196 In re Richard S., a Juvenile**
The orders are affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.
- D053466 Woodbury v. Seacrest Villas Homeowners Association et al.**
The judgment and the order are affirmed. The Association and Brown are entitled to costs on appeal. McConnell, P.J.; We Concur: Huffman, J., McDonald, J.
- D055555 People v. Bradford**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D056207 Mitchell v. Superior Court of San Diego County/Duesing**
The petition is denied.
- D056117 In re Singleton on Habeas Corpus**
The petition is denied.
- D056118 In re Walz on Habeas Corpus**
The petition is denied.
- D056217 Chase Care Center, Inc. v. Superior Court of San Diego County/Dodge et al.**
The petition is denied.
- D055904 People v. Wright**
The October 23, 2009, letter from Appellate Defenders, Inc., the notice of appeal and the record on appeal have been read and considered by Presiding Justice McConnell and Associate Justices Nares and Haller.
The appeal filed on September 11, 2009, is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Gilbert Nares and Alex McDonald
Clerk: D. Moore

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 12, 2009 (Continued)

D053737 Whitton v. AAmerican Pacific Manufactured Homes, Inc., et al.
Cause called on merits. Randall L. Winet, Esq. argued for appellant, AAmerican Pacific Manufactured Homes, Inc., et al. William M. Henrich, Esq. argued for appellant, Whitton. Mr. Winet replied. Cause submitted.

D054046 Cornelius v. Cornelius
Cause called on merits. Stephen Temko, Esq. argued for appellant. Alexandra R. McIntosh, Esq. argued for respondent. Mr. Temko replied. Cause submitted.

Court recessed at 9:33 a.m. to change panel members.

New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and Alex McDonald

D053991 In re A.G., a juvenile
Cause called on merits. Heather Lee Beugen, Esq. argued for appellant. Michael Chu, Certified Law Student, argued for respondent. Ms. Beugen replied. Cause submitted.

D053932 Porras v. Sweetwater Union High School District
Cause called on merits. David Burke, Esq. argued for appellant. Randall L. Winet, Esq. argued for respondent. Mr. Burke replied. Cause submitted.

Court recessed at 10:15 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Richard Huffman and Terry O'Rourke
Clerk: D. Moore

D053738 Ohton v. California State University of San Diego et al.
Cause called on merits. Jon R. Williams, Esq. argued for appellant. Christopher B. Cato, Esq. argued for respondent. Mr. Williams replied. Cause submitted.

Court recessed at 1:59 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Richard Huffman and Cynthia Aaron

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 12, 2009 (Continued)

D053476 Wesbey v. Toll CA IV, LP. et al.

Cause called on merits. Jeffrey Scott Grider, Esq. argued for respondent. George Wesbey, III argued for appellant in pro per. Cause submitted.

D053400 Redevelopment Agency of the City of San Diego v. The Mercado Alliance, LLP

Cause called on merits. C. Samuel Marasco, Esq. argued for appellant. Donald Paul Johnson, Esq. argued for respondent. Mr. Marasco replied. Cause submitted.

Court recessed at 2:44 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Richard Huffman and Alex McDonald

D054873 In re J.D., a juvenile

Cause called on merits. William D. Caldwell, Esq. argued for appellant, P.D. Gary Seiser, Deputy County Counsel, argued for respondent. Suzanne Evans, Esq. argued for the minor, J.D. Mr. Caldwell replied. Susan Bookout, Esq. argued for appellant, S.R.

D053735 Murphy v. Dell

Cause called on merits. Michael George Steiniger, Esq. was present in oral argument for real party in interest and appellant. Sean Simpson, Esq. was present in oral argument for respondent, Murphy. Cause submitted.

Court recessed at 3:07 p.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D053843 City of Carlsbad et al. v. Insurance Company of the State of Pennsylvania

Cause called on merits. Craig A. Miller, Esq. argued for appellant. Stephen Vincent Kovarik, Esq. argued for respondent. Mr. Miller replied. Cause submitted.

Court recessed at 3:28 p.m. until Friday, November 13, 2009 at 9:00 a.m.

D056151 In re Serpa on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
November 13, 2009

D053741 Ferrey v. Hasso-Najm

The order is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D056191 In re Martinez on Habeas Corpus

The petition for writ of habeas corpus was read and considered by Presiding Justice McConnell and Associate Justices Nares and Haller.

A Los Angeles County Superior Court jury found Christopher Martinez guilty of second degree murder, gross vehicular manslaughter and other crimes. He unsuccessfully challenged the judgment by an appeal to the Second District Court of Appeal, Division Three (People v. Martinez, (Feb. 20, 2009, B198173 [nonpub. opn.]) and a subsequent petition for writ of habeas corpus to the Los Angeles County Superior Court (MA029691). In the present petition, Martinez attacks the judgment arguing, among other things, that he was denied due process and effective assistance of counsel and the prosecution failed to comply with its discovery obligations.

"A Court of Appeal may deny without prejudice a petition for writ of habeas corpus that is based primarily on facts occurring outside the court's appellate district, including petitions that question: [¶] (A) The validity of judgments or orders of trial courts located outside the district" (Cal. Rules of Court, rule 8.385(c)(1)(A).)

The petition is denied without prejudice to refiling in the Second District Court of Appeal, Division Three, Ronald Reagan State Building, 300 South Spring Street, Second Floor, Los Angeles, California 90013. The clerk is directed to retain one copy of the petition for our records and to return the original petition, exhibits and all other copies to Martinez so he may file them in the appropriate court.

D054979 In re Ali C., a Juvenile

We affirm the orders. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D053544 People v. Willis

The judgment of the trial court is affirmed.
Aaron, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D055797 In re Musser on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2009 (Continued)

D056079 Surrex Solutions Corporation v. Superior Court of San Diego County/Muldrow
The petition is denied.

D056062 In re Nacilla, Jr. on Habeas Corpus
The petition is denied.

D056060 In re McDonald on Habeas Corpus
The petition is denied.

D054900 People v. Lucas
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Judith Haller and Alex McDonald
Clerk: D. Moore

D053621 Korea Water Resources Corporation v. LEE
Cause called on merits. Daniel R. Salas, Esq. argued for appellant.
Mary A. Lehman, Esq. was present in oral argument for appellant, but did not argue. Howard Kim, Esq. argued for respondent. Mr. Salas replied. Cause submitted.

Court recessed at 9:27 a.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Richard Huffman and Alex McDonald

D054292 Riley v. Valencia et al.
Cause called on merits. Scott A. McMillan, Esq. argued for appellant.
Marc Howard Mandelblatt, Esq. argued for respondent, Valencia.
Beth Allison Borkenheim, Esq. argued for respondent, Herzig. Mr. McMillan replied. Cause submitted.

Court recessed at 9:54 a.m. to change panel member.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
 The Honorable Associate Justices Patricia Benke and Richard Huffman

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2009 (Continued)

D053118 People v. Ortiz

Cause called on merits. Michael Satris, Esq. argued for appellant.
Eric A. Swenson, Deputy Attorney General, argued for respondent. Mr. Satris
replied. Cause submitted.

Court recessed at 10:14 a.m. to change panel members.

New panel members: The Honorable Judith McConnell, Presiding Justice, and
The Honorable Associate Justices Patricia Benke and Joan Irion

D054815 In re A.S. et al., juveniles

Cause called on merits. Leslie A. Barry, Esq. argued for appellants, T.L. and M.L.
M. Elizabeth Handy, Esq. argued for appellants, A.S. and J.S. Lisa Maldonado,
Deputy County Counsel, argued for respondent. Neale Bachmann, Esq. argued for
respondents, J.B. and D.B. Ms. Barry replied. Ms. Handy replied. Cause
submitted.

Court recessed at 10:45 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice and
The Honorable Associate Justices Terry O'Rourke and Joan Irion

Clerk: D. Moore

D053682 People v. Ruiz, Sr.

Cause called on merits. Tracy A. Rogers, Esq. argued for appellant.
Lynne McGinnis, Deputy Attorney General, argued for respondent. Ms. Rogers
replied. Cause submitted.

D054579 In re M.B. et al., juveniles

Cause called on merits. Liana Serobian, Esq. argued for appellant.
Andrea St. Julian, Esq. argued for respondents, M.B., T.A., and S.B. Paula Roach,
Deputy County Counsel, argued for respondent. Ms. Serobian replied. Cause
submitted.

Court recessed at 2:14 p.m. to change panel members.

New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and
The Honorable Associate Justices Terry O'Rourke and Joan Irion

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

November 13, 2009 (Continued)

- D053806 Graciano et al. v. K.A.M.C.O. Enterprises, Inc.**
Cause called on merits. Alexis Galindo, Esq. argued for appellant.
Roy B. Cannon, Esq. argued for respondent. Mr. Galindo replied. Cause
submitted.
- D053306 People v. Velarde**
D055005 In re Velarde on Habeas Corpus
Cause called on merits. Charles R. Khoury, Esq. argued for appellant and
submitted additional citations. Marcela McLaughlin, Deputy Attorney General,
argued for respondent. Mr. Khoury replied. Cause submitted as to appeal only,
D053306.
- D054215 Gravelle v. Aquadek, Inc., et al.**
Cause called on merits. Charles E. Purdy, IV, Esq. argued for appellant.
Benjamin Berger, Esq. argued for respondent. Mr. Purdy replied. Cause submitted.
- D053753 Lewis v. Pacific Bell Directory et al.**
Cause called on merits. Michael F. Armstrong, Esq. argued for appellant.
Edward I. Silverman, Esq. argued for respondent. Mr. Armstrong replied.
Cause submitted.

Court adjourned at 3:15 p.m.